

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Justine Wilbur on May 19, 2009.

The application has been amended as follows:

In claim 1, line 3, "at least one polymer" has been substituted by --from 40% to 90% by weight of at least one polymer--.

In claim 1, line 9, "wherein said masterbatch comprises" has been substituted by --and--.

In claim 1, line 24, "R being dental or different" has been substituted by --R being identical or different--.

In claim 1, lines 25-26, "being identical or different and containing from 40% to 90% by weight of the at least one polymer" has been substituted by --being identical or different--.

In claim 3, line 2, "thermoplastic carrier material" has been substituted by --at least one polymer--.

In claim 4, line 2, "thermoplastic carrier material comprises at least one polymer of" has been substituted by --at least one polymer comprises at least one of--.

In claim 5, line 3, "thermoplastic carrier material" has been substituted by --at least one polymer--.

In claim 11, line 2, "a soft, velvety, 'velour like' tactility" has been substituted by --a soft and velvety tactility--.

In claim 12, line 3, "at least one polymer" has been substituted by --from 40% to 90% by weight of at least one polymer--.

In claim 12, line 9, "wherein said masterbatch comprises" has been substituted by --and--.

In claim 12, line 22, "R being dental or different" has been substituted by --R being identical or different--.

In claim 12, lines 23-24, "being identical or different and containing from 40% to 90% by weight of the at least one polymer" has been substituted by --being identical or different--.

In claim 14, lines 2-3, “thermoplastic carrier material comprises at least one polymer of” has been substituted by --at least one polymer comprises at least one of--.

In claim 15, line 3, “thermoplastic carrier material” has been substituted by --at least one polymer--.

The following is an examiner’s statement of reasons for allowance: Claims 1 and 12 each claim a specific polyhedral oligomeric silicon-oxygen cluster. While these types of compounds are not novel, the specific ones claimed used in an amount of from 10% to 60% in a specific polymer are. None of the art of record discloses either of the polyhedral oligomeric silicon-oxygen clusters used in a polymer. Therefore, the invention as claimed is allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Election/Restrictions

Claims 1-6 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 7-11, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on May 30, 2008 is hereby withdrawn**. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela C. Scott whose telephone number is (571) 270-3303. The examiner can normally be reached on Monday through Friday, 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/A. C. S./
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